

## **REMARKS**

The enclosed is responsive to the Examiner's Final Office Action mailed on March 18, 2008 and is being filed pursuant to a Request for Continued Examination (RCE) as provided under 37 CFR 1.114. At the time the Examiner mailed the Final Office Action claims 1-17, 26, 27 were pending. By way of the present response the Applicants have: 1) amended claim 1; 2) added no new claims; and 3) canceled no claims. As such, claims 1-17, 26, 27 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now represented.

### **Claim Rejections**

#### **35 U.S.C. 102(e) Rejections**

Claims 1-9 and 26 stand rejected under 35 U.S.C. 102(e) as being anticipated by Gai, et al., U.S. Patent 7,185,073 (hereinafter "Gai"). Gai describes "a method and apparatus for applying high-level quality of service ["QoS"] policies." (Gai, col.5 ll.58-60.) "The high-level policies, which are generally device-independent, are selected by a network administrator and translated by one or more policy servers into a set of rules that can be applied by specific network devices." (Gai, col.6 ll.3-7.) As such, Gai has nothing to do with object capture, but rather describes a way to provide QoS.

Gai's Figure 6 illustrates one such template (the financial template). This template is broken down into several columns including: available traffic types, a particular differentiated service value corresponding to each traffic type, users who would use the traffic type, and the application programs corresponding to each traffic type. (Gai, Fig. 6 and col.11 ll.30-63.)

Figures 7A and 7B are data structures associated with the financial template which are used to generate traffic management rules. (Gai, Figs. 7A-7B and col.12 ll.47-52.)

With respect to claim 1, Gai does not describe:

generating a tag describing an object captured during transmission from an origination address to a destination address, wherein the tag includes,  
a source address field to indicate an origination address of the object,  
a destination address field to indicate a destination address of the object,  
a source port field to indicate an origination port of the object,  
a destination port field to indicate a destination port of the object,  
a content field to indicate a content type from a plurality of content types identifying a type of content contained in the object, and  
a time field to indicate when the object was captured; and  
storing the tag in a database, wherein the tag indexes a captured object in storage.

Gai does describe the generation of a tag describing an object captured. The Office Action points to Gai's Figures 7A and 7B as describing this limitation. However, as detailed above, Figures 7A and 7B are simply data structures associated with the financial template which are used to generate traffic management rules for QoS. (Gai, Figs. 7A-7B and col.12 ll.47-52.) They do not describe captured objects or even traffic that has passed through the system. They are simply used to help generate a QoS profile. Specifically, the "fields" disclosed by Gai are for traffic management (QoS) of data frames/packets traversing through networks. The traffic management of data frame/packets is accomplished by using priority levels for the data frame/packets, whether related to a user priority or a type of service or a differentiated service (DS), such that a certain level of quality of service can be maintained for transmitted data frame/packets as they are switched and routed among intermediary devices. (Gai, col. 1, line 18 – col. 4, line 17; col. 10, line 41 – col. 11, line 5). No aspect of Gai describes capturing objects or generating a tag describing them (QoS has nothing to do with capturing objects).

Additionally, Gai does not describe the storing of such tags. As detailed above, Gai never creates a tag. Gai simply enforces a QoS policy.

Accordingly, Gai does not anticipate claim 1 for at least this reason. Claims 2-13 are dependent on claim 1 and are allowable for at least the same reason.

Claim 26 is similar to claim 1 and is allowable for at least the same reason.

#### 35 U.S.C. 103(a) Rejections

Claims 10-17 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gai in view Preneel, of Cryptographich Hash Functions, (hereinafter "Preneel").

Claims 10-13 ultimately depend from claim 1 and include all the limitations of claim 1. Therefore, as reasoned above, Gai does not disclose generating for storage of objects captured during transmission from an origination address to a destination address, nor storing data in fields to create a tag that indexes the captured object in storage. Preneel does not teach or suggest generating for storage of objects captured during transmission from an origination address to a destination address, nor storing data in fields to create a tag that indexes the captured object in storage. Rather, Preneel teaches cryptographic hash functions to protect the authenticity of information. The cryptographic keys in Preneel authenticate data and do index captured objects in storage. Therefore, neither Gai nor Preneel teach all the limitations of claims 10-13, and thus are not unpatentable over Gai in view of Preneel. Therefore, claims 10-13 are in a condition for allowance.

With respect to claim 14, the combination of Gai and Preneel does not describe:

storing data associated with capture of an object by a capture system to create a tag that indexes the captured object in storage, the data comprising:

an Ethernet controller MAC address of the capture system that captured the object;

- a source Ethernet IP address of the object;
- a destination Ethernet IP address of the object;
- a source TCP/IP port number of the object;
- a destination TCP/IP port number of the object;
- an IP protocol that carried the object when captured by the capture system;
- a canonical count of a number of the object within a TCP/IP connection;
- a content type of the object;
- an encoding that was used on the object;
- a size of the object;
- a timestamp indicating when the capture system captured the object;
- a user who requested capture of the object;
- a capture rule that directed capture of the object;
- a hash signature of the object; and
- a hash signature of the tag.

Claim 14, as shown above, requires, at least, storing data associated with capture of an object by a capture system to create a tag that indexes the captured object in storage. As reasoned above, Gai fails to teach storing data associated with capture of an object by a capture system to create a tag that indexes the captured object in storage. Furthermore, Preneel fails to teach storing data associated with capture of an object by a capture system to create a tag that indexes the captured object in storage. Rather, Preneel teaches cryptographic hash functions to protect the authenticity of information. The cryptographic keys in Preneel authenticate data and do index captured objects in storage. Therefore, neither Gai nor Preneel teach all the limitations of claim 14 (and claims 15-16 which ultimately depend from claim 14 and includes all the limitations of claim 14), are thus are not unpatentable over Gai in view of Preneel. Therefore, claims 14-16 are in a condition for allowance.

Claim 27 is similar to claim 14 and is allowable for at least the same reason.

In light of the comments above, the Applicants respectfully request the allowance of all claims.


**CONCLUSION**

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact David F. Nicholson at (408) 720-8300.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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